

[ELECTRONICALLY FILED WITH THE COURT]

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

EDDIE F. MARSHALL, et. al.,

CASE NO. C-1-02-189

Plaintiffs,

JUDGE HERMAN WEBER

vs.

MAGISTRATE JUDGE HOGAN

OHIO DEPARTMENT OF EDUCATION, et.al.,

Defendants.

ANSWERS OF PLAINTIFFS, VENA MARSHALL AND KATHRYN MARSHALL,
TO DEFENDANTS' FIRST SET OF INTERROGATORIES AND REQUEST FOR
PRODUCTION OF DOCUMENTS.

INTERROGATORIES

1. State the name and address of the person or persons responding to these discovery requests.

ANSWER: Plaintiff, Vena Marshall, 4308 Gallia Street, New Boston, Ohio 45662, with the assistance of her parents, Eddie Marshall and Sandra D. Marshall, both of 4308 Gallia Street, New Boston, Ohio 45662, who were plaintiffs, Vena Marshall and Kathryn Marshall's representatives in this lawsuit until they obtain the age of majority.

2. State the name and address of each person, known to you, who has knowledge of the facts and/or circumstances set forth in your Complaint and your Amended Complaint.

ANSWER:

My parents, Eddie Marshall and Sandra Marshall, 4308 Gallia Street, New Boston 45662
Vena Marshall, same address

My sister, Kathryn P. Marshall, same address

My brother, Matthew H. Marshall, same address

My sister, Abigail D. Marshall, same address

Defendants

New-Party Defendants, as listed in the Amended Complaint filed on July, 2003

Being Board Members of the New Boston School District
Rebecca Bussa 1727 Offnere, Portsmouth, Ohio 45662
Ann Charles, 1149 Gallia Street, Portsmouth, Ohio 45662
Lois Gleason, 1881 Rosemount Road, Portsmouth, Ohio 45662
Gary Kahn, 829 Main Street, South Shore, Kentucky 41175
Larh, Karen, R.N. 2911 Gallia Pike, Franklin Furnace, Ohio
Mrs. Golritz Lorentz, 873 Rases Mountain Road, Winford, Ohio 441121
Anthony Mantell, 2763 Highgate Court, Wheelersburg, Ohio 45694
Bonnie McNutt, address to be provided
Mohr, Marty, Sr. 1552 8th Street, Portsmouth, Ohio 45662
Mohr, Marty, Jr. 1552 8th Street, Portsmouth, Ohio, 45662
Jessica Reinhart, 4541 Woodland Avenue, Portsmouth, Ohio 45662
Christopher Sudakaryn, 4124 Taft Street, New Boston, Ohio 45662
Kaylyn Sudakaryn, 4124 Taft Street, New Boston, Ohio 45662
Kelly Theisse, address to be provided
Michael Zornes, Jr., 1711 8th Street, Portsmouth, Ohio 45662
Michael Zornes, Sr., 1711 8th Street, Portsmouth, Ohio 45662

Will supplement as other witnesses are identified by our attorney.

3. State the name and address of each person whom you expect to call as an expert witness at the trial of this matter and for each such expert state the subject matter upon which he or she is expected to testify.

ANSWER:

Vena Marshall

Dr. John T. Beetar, Department of Psychology, Children's Hospital, 700 Children's Drive, Columbus Ohio 43205 (emotional and educational issues of Vena)

Dr. Robert Newman, 5611 Gallia Street, Sciotoville, Ohio (limitations in the physical activities of Vena, including the ability to climb stairs, and the necessity for elevator at her school and the emotional state of Vena)

Dr. Maryann Murphy, M.D. Department of Psychiatry, East Central-CHGC, 899 East Broad Street, Columbus, Ohio 43205 (emotional suffering of Vena)

Kathryn Marshall

Karen Lahr, RN. 2911 Gallia Pike, Franklin Furnace, Ohio (attempted suicide and mental and emotional suffering of Kathryn Marshall)

Staff of Shawnee Mental Health Center, 901 Washington Street, Portsmouth, Ohio (emotional suffering of Kathryn)

Dr. Caroline Arnette, 1611 27th Street, Portsmouth, Ohio (mental and emotional suffering of Kathryn)

4. State the name and business address of all medical providers who treated any or al plaintiffs or all plaintiffs have seen as a result of the allegations of the Complaint and Amended Complaint.

ANSWER:

Vena Marshall

Dr. Robert Newman, 5611 Gallia Street, Sciotoville, Ohio
Dr. Lori Guinn, 27th Street, SOMC Building H., Portsmouth, Ohio 45662
Dr. Mary Ann Murphy, Department of Psychiatry, East Central-CHGC, 899 East Broad Street, Columbus, Ohio 43205
Dr. Caroline Arnette, 1611 27th Street, Portsmouth, Ohio 45662
Dr. John T. Beetar, 700 Children's Drive, Columbus, Ohio

Kathryn Marshall

Dr. Robert Newman, 5611 Gallia Street, Sciotoville, Ohio
Dr. Caroline Arnette, 1611 27th Street, Portsmouth, Ohio 45662
Shawnee Mental Health Center, 901 Washington Street, Portsmouth, Ohio
Karen Lahr, RN, 2911 Gallia Pike, Franklin Furnace, Ohio
Dr. Charles Lahr, now deceased

5. State the name and business address of all medical providers who treated any or all of the plaintiffs in the last ten (10) years.

ANSWER:

Please see Answers to Interrogatories 3 and 4, and in addition both Vena and Kathryn Marshall have been seen by Dr. Carver, 500 Chillicothe Street, Suite 306, Portsmouth, Ohio; SOMC & Urgent Care, Wheelersburg, 8770 Ohio River Road, Wheelersberg, Ohio; Dr. Anne Joseph, 700 Children's Drive, Columbus, Ohio. Kathryn Marshall has also been seen by Dr. Wasim Deeb, 1735 27th Street, Building C. Portsmouth, Ohio; at St. Ann's Hospital, 5000 South Cleveland Avenue, Westerville, Ohio.

6. Please state the specific life activities impaired by Vena Marshall's epilepsy and what medical care provider diagnosed such impairments.

Because of Vena's grande mal seizures, she cannot drive, must be supervised when bathing, cannot climb stairs, cannot swim. Dr. Anne Joseph and Dr. Robert Newman were first to diagnose and limit her activities.

7. Please State the date upon which the plaintiff's converted to Judaism and how the conversion occurred.

Vena and Kathryn were raised in the Jewish faith by their mother who is a Jew from about the age of 8.

STATE OF OHIO

SS

VERIFICATION

SCIOTO COUNTY

Now come, Vena Marshall and Kathryn P. Marshall, first having been duly sworn and depose and says as follows:

That they have read the foregoing Answers To Interrogatories and to the best of their knowledge and belief they are true.

Vena Marshall

VENA MARSHALL

Kathryn P. Marshall

KATHRYN P. MARSHALL

SWORN TO BEFORE ME and in my presence this 13th day of February, 2006.

Wendy Holbrook
NOTARY PUBLIC



WENDY HOLBROOK
Notary Public, State of Ohio
My Commission Expires June 7, 2007

RESPONSE TO REQUESTS FOR PRODUCTION OF DOCUMENTS

1. Produce all documents used in the answering the above interrogatories.

Plaintiffs did not use any documents to answer the interrogatories but were assisted by their parents and their memory of the events.

2. Produce all medical records of plaintiff Vena Marshall.

Plaintiff, Vena Marshall's father, on August 24, 2005, mailed to counsel for defendants, all of the medical records of Vena Marshall, which were possessed by plaintiff's parents and those which they were able to obtain. Those records were received several days thereafter by counsel for defendant, and attorney Bernard W. Wharton, confirmed its receipt in his letter dated January 25, 2005, to counsel for plaintiff.

3. Produce all medical records of plaintiff Eddie Marshall.

Objection to this request on the ground that Eddie Marshall is not a party to this litigation and there are no individual claims involving his medical condition in this litigation.

4. Produce all medical records of plaintiff Sandra Marshall.

Objection to this request on the ground that Sandra Marshall is not a party to this litigation and there are no individual claims involving her medical condition in this litigation.

5. Produce all medical records of plaintiff, Kathryn Marshall.

Plaintiff, Kathryn Marshall's father, on August 24, 2005, mailed to counsel for defendants, all of the medical records of Kathryn Marshall, which were possessed by plaintiff's parents and those which they were able to obtain. Those records were received several days thereafter by counsel for defendant, and attorney Bernard W. Wharton. Confirmed its receipt in his letter dated January 25, 2005, to counsel for plaintiff.

6. Produce documents concerning all correspondence you had with New Boston Public School District concerning plaintiff Vena Marshall and plaintiff Kathryn Marshall.

Plaintiffs, Vena Marshall and Kathryn Marshall did not correspond with the New Boston Public School District, but understanding that this request was first addressed to

their parents, their father, Eddie Marshall, on August 24, 2005, mailed to counsel for defendants, copies of all their correspondence with the school district.

7. Produce all documents concerning any IEP for plaintiff Vena Marshall and Kathryn Marshall.

Plaintiff's father, produced whatever records they had regarding any IEP for their daughters, Vena and Kathryn, plaintiffs herein, on August 24, 2005. Notwithstanding such production, copies of any and all IEPs are also in the possession of defendant, the New Boston School District.

/s/ Joseph Bancsi

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(216) 622-7767
jb@bancsilaw.com
Attorney For Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on the day 14th day of February, 2006, a copy of the foregoing Answers To Interrogatories and Response To Request For Production Of Documents was served upon R. Gary Winters, one of the attorneys for defendants, by e-mail to rgwinters@mimlaw.com. And were also electronically served pursuant to the electronic filing system of the Court.

/s/ Joseph Bancsi

Joseph Bancsi, Attorney For Plaintiffs